

## **RESPONSE**

### **Claims Status**

Claims 1-34 were originally filed in this application. In this Amendment and Response, claims 1, 28, 11, 17, 18, 24, 27, 29, 33 and 34 have been cancelled, claims 3-7, 9, 10, 12-16, 19-23, 25, 26, 28, 30 and 31 have been amended, and claims 35-42 have been added. After entry of these amendments, there will be a total of 32 claims pending, of which claims 35 and 40 are independent. Support for the amendments and new claims can be found at least in the originally filed claims and at paragraphs [0015], [0020], [0028], [0029], [0037], [0039] and [0047]. No new matter has been added.

### **Claim Rejections**

In the current Action, claims 1, 17 and 33 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to enable the claimed subject matter. Claims 9 and 25 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. Claims 1, 17, 33 and 34 were rejected under 35 U.S.C. §112, second paragraph as allegedly failing to particularly point out and distinctly claim the subject matter of the invention.

Independent claims 1, 17 and 33 were rejected under 35 U.S.C. §103(a) as being unpatentably obvious in view of U.S. Patent Application Publication No. 2002/0082730 to Capps et al. ("Capps") in view of knowledge in the art at the time of the invention.

Claims 7, 13, 23 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentably obvious in view of Capps and knowledge in the art at the time of the invention, in further view of U.S. Patent Application Publication No. 2003/0135859 to Putterman et al. ("Putterman").

Claims 12 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentably obvious in view of Capps and knowledge in the art at the time of the invention, in further view of U.S. Patent Application Publication No. 2005/0113946 to Janik ("Janik").

Claims 10, 11, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentably obvious in view of Capps and knowledge in the art at the time of the invention, in further view of U.S. Patent Application Publication No. 2002/082730 to Yang et al. ("Yang").

Claims 14-16 and 30-32 were rejected under 35 U.S.C. §103(a) as being unpatentably obvious in view of Capps and knowledge in the art at the time of the invention, in further view of “Computer Networks” by Tanenbaum, 1996, Third Edition, Prentice-Hall (“Tanenbaum”).

Applicants respectfully submit that the claim amendments submitted above overcome these rejections, and as such the claims are now in condition for allowance.

#### Claim Rejections Under 35 U.S.C. §112

In response to rejections 2.1 and 2.2 of the Office Action, claims 1, 9, 17, 25 and 33 have been amended to recited “an audio/visual device subsystem” as described in the specification, and as such, Applicants respectfully request withdrawal of these rejections. In response to rejections 3.1, 3.2, 3.3 and 3.4, Applicants submit that the amendments detailed above sufficiently address the indefiniteness rejections and now particularly and distinctly claim the subject matter which the Applicants regard as their invention, and therefore respectfully request withdrawal of these rejections.

#### Claim Rejections Under 35 U.S.C. §103

Following the cancellation of claims 1, 17 and 33 and the entry of new claims 35 and 40, claims 35 and 40 will be the only independent claims pending in this application, all other claims depending therefrom.

Newly presented independent claim 35 recites, in part, “receiving a content selection,” “determining if the content is accessible via the device subsystem and, if not, obtaining the content from another source” and “providing [the content] . . . thereby behaving as though it is the device subsystem.” Likewise, newly presented independent claim 40 recites, in part, “receiving a content selection via the user interface and determining if the content is accessible” and “if not, obtaining the content from another source and . . . rendering it as though read from the device subsystem.”

Capps does not teach or suggest a system that, upon receiving a request for a particular media element, determines if the element is available from the system itself, and, if the element is not found thereon, locates the element by checking another source, as recited in Applicants’

claim 35. Capps is generally directed to a software plug-in and media component object for use within an Internet browser application that facilitates the playing of media content and “allows a user to navigate between different sources of media without requiring the downloading of the media player associated with the format of the media source.” Abstract and Para. [0031]. Unlike the present claims that recite retrieval of a media element based solely on the selection of the element itself, Capps requires the user to know not only what she wants to view, but also where to find it. For example, Capps’ system relies on either an “incoming” event (e.g., the insertion of a disk in a drive or the receipt of an incoming call) or explicit instructions from the user as to where to find the desired media (e.g., navigating to a particular URL where the media resides). In contrast, Applicants’ claimed invention relieves the user of the burden of remembering (or even knowing, for that matter) where the desired media element is physically located by looking first within the device itself, and if the element is not found, only then looking elsewhere.

Capps also does not describe the use of an emulation circuit acting as a proxy for an audio/visual device, such that media elements can be displayed as if retrieved from the device even if they actually originate elsewhere. Instead, the universal media player described by Capps decodes the MIME type associated with a media element and subsequently determines if the element is in a format recognized by the player. If not, the media player relinquishes control of the element and allows it to be played using another player that must be downloaded from a server. Para. [0042]. Thus, unlike Applicants’ system that emulates other media sources such that the media element is presented to a display as if residing on the device itself, Capps relies on external decoders and players to display unsupported media types.

Putterman does not cure the deficiencies of Capps. Putterman is generally directed to a system for distributing media among various clients within a home media network that includes various devices such as “a personal computer (PC), an acquisition/storage set-top box, control/-playback set-top boxes, a digital interface and a personal digital assistant (PDA) all coupled via a data transmission medium.” Para. [0029]. To facilitate ordering, control and playback of media at the various devices, “[d]igital data content objects are transmitted from one device within the home network to the other devices via transmission medium.” Para. [0030]. Putterman does not, however, teach or suggest using an emulation circuit in one device to locate a desired media

element on other devices, nor does Putterman contemplate providing the element to a display as if the element were resident on the device itself, as claimed.

Similar to Putterman, Janik relies on user-specified instructions including the location of the desired media element. Janik is generally directed to a system that facilitates the playback of digital content stored on a PC on existing audio equipment. Para. [0011]. The system described by Janik includes a PC to “acquire, store, manage and serve digital audio content” and a digital audio converter that “is connected to a conventional stereo receiver via the right and left RCA jack inputs.” Paras. [0046] and [0047]. The digital audio converter receives digital audio streams sent from the PC, decodes and decompresses the digital audio in real time, and converts it from a digital format into an analog electrical signal. Para. [0050]. Janik’s system does not include an emulation circuit in the device itself that can locate a desired media element regardless of location, and provide the element to a display as if the element were resident on the device itself, as claimed.

Finally, neither Yang nor Tanenbaum cures the deficiencies of Capps described above. Yang is generally directed to a system that delivers requested multimedia content using an abstract content model and an optimal content delivery plan based on the content model. The content model uses various attributes of the requested content and characteristics of the network on which the content is to be delivered to determine the best-fit delivery plan. Para. [0039]. Tanenbaum generally describes flow control among nodes within a network. Specifically, Tanenbaum discusses the idea that slower receiving nodes can provide instructions to faster sending nodes regarding the rate at which the receiving nodes can accommodate traffic in the form of “well-defined rules about when a sender may transmit the next frame.” Pg. 183. Neither reference is relevant to the limitations of claims 35 and 40.

As such, Applicants respectfully submit that independent claims 35 and 40, as well as those claims that depend directly or indirectly therefrom, are patentable over the cited references.


**CONCLUSION**

Applicants respectfully request that the Examiner reconsider the application and claims in light of this Amendment and Response, and submit that the claims are in condition for allowance. If the Examiner believes, in his review of this Amendment and Response or after further examination, that a telephonic interview would expedite the favorable prosecution of the present application, the Applicants' attorney would welcome the opportunity to discuss any outstanding issues, and to work with the Examiner toward placing the application in condition for allowance.

Respectfully submitted,

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